

Meeting of 2009-10-13 Regular Meeting

MINUTES

LAWTON CITY COUNCIL REGULAR MEETING  
OCTOBER 13, 2009 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr.                      Also Present:  
Presiding                      Larry Mitchell, City Manager  
   Frank Jensen, City Attorney  
   Traci Hushbeck, City Clerk  
COL Ray Lacey, Fort Sill Liaison

Mayor Purcell called the meeting to order at 6:10 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Byron Elmore, Calvary Assembly of God, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:                      Bill Shoemate, Ward One  
James Hanna, Ward Two  
Janice Drewry, Ward Three  
Robert Shanklin, Ward Five  
Richard Zarle, Ward Six  
Stanley Haywood, Ward Seven (Arrived @ 6:15 p.m.)  
   Doug Wells, Ward Eight

ABSENT:                      Jay Burk, Ward Four

PRESENTATION OF OCTOBER 2009 CITIZEN OF MONTH TO MARJORIE HOLLIS.

Sandra Kuntz, Mayor s Commission on that Status of Women announced that Marjorie Hollis has been named Citizen of the Month for October 2009.

Mayor Purcell read a Certificate of Commendation from the Mayor s Office.

PRESENTATION OF AWARD OF COMMENDATION TO JAMES PACE.

Mayor Purcell presented a Mayor s Award of Commendation to James Pace for the heroic deed of saving the life of a fellow citizen after witnessing a terrible automobile accident.

AUDIENCE PARTICIPATION:

A representative from the Lawton Toy Run Committee stated for the past 15 years the motorcycle community has come together to present a parade. Participants are asked to donate food and toys. He stated Council Policy 9-2 can help them with this charitable event. He requested that the City of Lawton help sponsor this event which will allow them to receive free parade permits. He stated the event is November 21<sup>st</sup>.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Jensen requested item #1 be considered separately. Shanklin requested items #8, #16, #17, #18, #23 and #25 and Wells requested items #6, #13 and #28 be considered separately.

MOVED by Shanklin, SECOND by Zarle, to approve the Consent Agenda with the exception of items #1, #6, #8, #13, #16, #17, #18, #23, #25 and #28. AYE: Shanklin, Zarle, Haywood, Wells, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for denial: Mi He Peacock in the amount of \$2,086.77, William Henson in the amount of \$356.00 and AT&T Telephone, L.P. in the amount of \$439.35. Exhibits: Legal

## Opinion/Recommendation.

Jensen stated the initial recommendation for the Peacock claim was to deny that claim, but the recommendation tonight is to pay that claim in the amount of \$2,086.77. He stated they continue to recommend the denial of the two remaining claims.

MOVED by Wells, SECOND by Shoemate, to adopt **Resolution 09-98** approving the damage claim of Mi He Peacock in the amount of \$2,086.77 and deny the damage claims of William Henson in the amount of \$356.00 and AT&T Telephone, L.P. in the amount of \$439.35 AYE: Zarle, Haywood, Wells, Shoemate, Hanna, Drewry, Shanklin. NAY: None. MOTION CARRIED.

2. Consider approving an Amendment to the Agreement for Judicial Services with Jon Oscar Lagerberg, and authorize the Mayor and City Clerk to execute the Amendment. Exhibits: Amendment is on file in the City Clerk's Office.

3. Consider approving an Amendment to the Agreement for Judicial Services with Nathan M. Johnson, and authorize the Mayor and City Clerk to execute the Amendment. Exhibits: Amendment is on file in the City Clerk's Office.

4. Consider approving an Amendment to the Agreement for Judicial Services with Felix A. D. Cruz, and authorize the Mayor and City Clerk to execute the Amendment. Exhibits: Amendment is on file in the City Clerk's Office.

5. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in directing our third party administrator to make payment on the judgment in the Workers' Compensation case of Robert Edmonson in the Workers' Compensation Court, Case No. 2009-02530A. Exhibits: **Resolution No. 09-99**.

6. Consider approving a Contract for Services with Bill Phelps & Associates, LLC, beginning November 1, 2009 through June 30, 2010, for the purpose of providing professional consulting/lobbyist services to the City and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Contract for Services between Bill Phelps, the City of Lawton, and the Lawton Fort Sill Chamber of Commerce.

Wells stated the contract says that services will be rendered jointly to the City of Lawton and the Lawton Fort Sill Chamber of Commerce, yet the City is paying two thirds of the cost. He stated in paragraph four he has a problem with the portion that deals with travel accommodations when arrival in Lawton is later than 12 p.m. He stated he also does not like the word entertainment in that sentence.

Mitchell stated the word entertainment will be stricken from that section. He stated that all of Mr. Phelps' out of pocket expenses will be pre-approved. He stated if there would be a reason that would cause Mr. Phelps to return to Lawton after 12 Midnight, we would pay that expense.

Wells stated 12 p.m. is lunch time.

Mayor Purcell stated the contract should read 12 a.m.

Mitchell stated last year the City of Lawton paid the entire expense for his services and this year the Chamber of Commerce has agreed to pay a portion of that expense which allows us to extend the term of the contract. Last year the contract was only for five months.

Shanklin questioned if we are sending a signal to our delegation that we believe they can't handle the job. He stated he has been told that by Senator Bass and Senator Barrington.

Mayor Purcell stated that our legislators need someone up there to help them keep on track. He stated Senator Bass told him that we need a lobbyist.

Wells stated he would like to see this item pulled until the wording is changed in the contract.

Zarle questioned if the Oklahoma Municipal League provides this type of information.

Mitchell stated that OML does provide that type of general support for legislative bills, but there are approximately 3,000 bills that go through the house and senate and we specifically track certain pieces of legislation. He stated our legislators cannot work out those issues for us.

Shanklin stated he does not understand paying \$3,000 a month.

Mitchell stated Mr. Phelps was paid \$2,500 per month last year.

MOVED by Wells, SECOND by Zarle, to table until October 27, 2009 City Council meeting. AYE: Haywood, Wells, Shoemate, Hanna, Drewry, Shanklin, Zarle. NAY: None. MOTION CARRIED.

7. Consider adopting a Resolution authorizing the City of Lawton to apply for a grant from the Oklahoma Strategic Military Planning Commission, through the Department of Commerce, in the amount of \$625,000 for improvements to US-62 (Rogers Lane) at Sheridan Road and Fort Sill Boulevard, City of Lawton, and authorize the Mayor and City Clerk to execute all necessary documentation. Exhibits: **Resolution 09-100**; Letter from Oklahoma Department of Transportation dated May 14, 2009; Proposed estimate of City of Lawton Costs for the Projects; Oklahoma Strategic Military Planning Commission Grant Application Form.

8. Consider accepting a grant between the Oklahoma Highway Safety Office (O.H.S.O.) and the City of Lawton Police Department for an overtime reimbursement of traffic enforcement. This grant will also provide overtime reimbursement for the enforcement of the state and city laws governing the sale of alcoholic beverages to minors. Exhibits: None.

Shanklin stated we need more officers checking speed limits. He stated he does not have any compassion for those who get a ticket running 70 miles per hour. He feels this is a good program.

MOVED by Shanklin, SECOND by Drewry, to accept a grant between the Oklahoma Highway Safety Office and the City of Lawton Police Department. AYE: Wells, Shoemate, Hanna, Drewry, Shanklin, Zarle, Haywood. NAY: None. MOTION CARRIED.

9. Consider a request to provide payment in-lieu of stormwater detention for St. James Apartments Unit No. 9 at 8802 NW Cache Road. Exhibits: None.

10. Consider setting the date of November 17, 2009, to hold a public hearing and consider closing a portion of a public utility easement on Lot 14, Block 1, Scissortail, Part 1, located at 1109 NE Scissortail Drive. Exhibits: Application, Site Plan and Location Map.

11. Consider acknowledging receipt of Tier I permits from the Oklahoma Department of Environmental Quality for the construction of 790 linear feet of 8-inch PVC waterline, 1,645 linear feet of 12-inch PVC water line, 750 linear feet of 8-inch PVC sanitary sewer line, 124 linear feet of 8-inch DIP sanitary sewer line, and all appurtenances to serve Dove Creek Addition, Part 3 located west of SW 52<sup>nd</sup> Street, north of Bishop Road in the SE/4 of Section 4, T1N, R12W, Comanche County, Oklahoma. Exhibits: Permits to Construct on file in the City Clerk's Office.

12. Consider approving the construction plans for traffic signalization on East Gore Boulevard at the Fort Sill Apache Casino located at 2401 East Gore Boulevard. Exhibits: Site Plan.

13. Consider adopting Street Light Resolution No. 464 to authorize the installation/removal of street lights at the location listed in the Resolution. Exhibits: Street Light Resolution No. 464

Wells requested that future items have something more detailed than the legal description.

MOVED by Wells, SECOND by Haywood, to adopt Street Light Resolution No. 464 to authorize the installation/removal of street lights at the location listed in the Resolution. AYE: Shanklin, Zarle, Haywood, Wells, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

14. Consider adopting a Resolution authorizing the installation of traffic control measures on: SW D Avenue from SW 6<sup>th</sup> Street to SW 11<sup>th</sup> Street; NW 40<sup>th</sup> Street between NW 38<sup>th</sup> Street and NW 39<sup>th</sup> Street; SE Elmhurst Lane from the intersections of SE 38<sup>th</sup> Street to SE 40<sup>th</sup> Street; NW 39<sup>th</sup> Street from the intersection of NW Santa Fe Avenue; NW Hilltop Drive. Exhibits: Traffic Commission Minutes, Traffic Issue Requests, and **Resolution No. 09-101**.

15. Consider accepting a warranty deed and a temporary easement from Hildegard Powell for right of way needed for the NW 38<sup>th</sup> Street (Gore Blvd. to Cache Road) Project #2006-7, authorizing the Mayor and City Clerk to execute the documents and authorizing payment for the same. Exhibits: Warranty deed and temporary easement are on file in the City Clerk's office.

16. Consider approving an agreement with PSA Dewberry for professional engineering design services for the Santa Fe Bridge Replacement Project #2010-2. Exhibits: A copy of the agreement is on file in the City Clerk's office.

Shanklin stated the Engineering Selection Committee chose this firm, but he had not seen where they were from.

Jerry Ihler, Public Works Director, stated PSA Dewberry is from Tulsa. He stated they have a small office in Oklahoma City.

Shanklin questioned who much this will cost.

Ihler stated the estimated construction cost is in the neighborhood of \$1.2 - \$1.5 million. The engineering fee is \$119,500.

MOVED by Shanklin, SECOND by Shoemate, to approve an agreement with PSA Dewberry for professional engineering design services for the Santa Fe Bridge Replacement Project. AYE: Zarle, Haywood, Wells, Shoemate, Hanna, Drewry, Shanklin. NAY: None. MOTION CARRIED.

17. Consider awarding a construction contract to Bowles Construction, Co. for the 2008 CIP Waterline Replacement Phases 1 & 2 Project #2008-12. Exhibits: Letter dated Sept. 21, 2009 from We Build, Inc.

Shanklin stated this is the low bidder with \$2.8 million. Staff estimated this would cost \$3.5 million, so this is pretty good savings. He questioned if we had this much money in reserve.

Ihler stated this funding comes from the 2008 CIP to repay the state revolving loan. In addition, part of these funds come from the stimulus package and we believe we will receive approximately \$1.5 - \$1.7 million in federal grant monies that we do not have to pay back.

MOVED by Shanklin, SECOND by Hanna, to award a construction contract to Bowles Construction, Co. for the 2008 CIP Waterline Replacement Phases 1 & 2. AYE: Haywood, Wells, Shoemate, Hanna, Drewry, Shanklin, Zarle. NAY: None. MOTION CARRIED.

18. Consider approving Change Order #1 for the Numu Creek Bridge Replacement Project #2008-15 with Wittwer Construction Co., Inc. Exhibits: None.

Shanklin stated this just caught his attention because of the amount of money we are spending on Numu Creek. He stated this will be replaced at a cost of \$847,000.

Ihler stated they are replacing the pipe with a large reinforced concrete box structure. This change order is specifically for removing trees downstream from the structure on Railroad Street and shaping the channel for about 400 feet downstream. The amount of the change order is \$9,800.

Shanklin questioned if this project was in the CIP.

Ihler stated yes, it came from the 2005 CIP.

MOVED by Shanklin, SECOND by Haywood, to approve Change Order #1 for the Numu Creek Bridge Replacement Project #2008-15 with Wittwer Construction Co., Inc. AYE: Wells, Shoemate, Hanna, Drewry, Shanklin, Zarle, Haywood. NAY: None. MOTION CARRIED.

19. Consider awarding (CL10-008) Fluorosilicic acid to Pencco, Inc of San Felipe, TX. Exhibits: Department recommendation, Abstract of bids.

20. Consider awarding (CL10-012) Double Drum Vibratory Roller to C. L Boyd Company, Inc of Oklahoma City, OK. Exhibits: Department recommendation, Abstract of bids.

21. Consider awarding (RFPCL10-001) Employee Physicals/Drug Screen Testing-Section A (Physicals/Assessments) to the Center for Occupational Health, of Lawton, OK. Exhibits: Department recommendation, Proposal Price Sheets

22. Consider awarding (RFPCL10-001) Employee Physicals/Drug Screen Testing-Section B (Drug/Alcohol Testing) to Allied Health Research Laboratory, of Lawton, OK. Exhibits: Department recommendation, Proposal Price Sheets.

23. Consider awarding (CL10-014) 15 Ton Tandem axle trailer to Belshe Industries of Tecumseh, OK. Exhibits: Department recommendation, Abstract of bids.

Shanklin stated the amount budgeted is \$135,000.

Ihler stated the trailer is only \$14,225. He stated the \$135,000 is what that division had in their budget for rolling stock. He stated the remainder will be used for other items to be purchased throughout the year.

Shanklin questioned if the City Council gets an update on how much money is used for rolling stock.

Mitchell stated staff can provide that information every quarter with the financial information.

MOVED by Shanklin, SECOND by Zarle, to award (CL10-014) 15 Ton Tandem axle trailer to Belshe Industries of Tecumseh, OK. AYE: Shoemate, Hanna, Drewry, Shanklin, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

24. Consider awarding (CL10-013) Excavator from C.L . Boyd Company, Inc of Oklahoma City, OK. Exhibits: Department recommendation, Abstract of bids.

25. Consider extending the contract (CL09-011) Personal Soft Body Armor from Special Ops Uniforms, Inc from Oklahoma City, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.

Shanklin requested Chief Smith give them some information about the body armor.

Chief Ronnie Smith, Lawton Police Department, stated every officer is issued body armor and it has to be replaced every five years. He stated they replace between 30-40 a year. A federal grant pays for half the cost.

Shanklin stated it bothered him that we were buying so many.

Chief Smith stated that they have a five year warranty, so they must replace them every five years.

Hanna questioned why we had a Police Sentinel Fund.

Chief Smith stated this fund is used to buy shirts and equipment for the sentinels.

Shanklin stated some of these are priced differently. He questioned what was the difference.

Chief Smith stated some of them are tactical entry vests that are used for high risk search warrants.

Wells questioned why both items #25 and #26 were being purchased from the Police Sentinel Fund.

Chief Smith stated the commentary is incorrect, he stated they are being purchased out of their clothing account and are being reimbursed with federal grant money.

Wells stated the bid sheet is correct.

MOVED by Shanklin, SECOND by Drewry, to extend the contract (CL09-011) Personal Soft Body Armor from Special Ops Uniforms, Inc from Oklahoma City, OK. AYE: Hanna, Drewry, Shanklin, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED.

26. Consider extending the contract (CL09-010) Tactical Body Armor (Level III A) Vest from Oklahoma City, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.

27. Consider awarding (CL10-011) Asphalt Milling Machine from Asphalt Zipper, Inc. of American Fork, Utah. Exhibits: Department recommendation, Abstract of bids.

28. Consider extending the contract (RFPCL09-008) Emergency Notification System from Emergency Communications Network, Inc of Ormond Beach, Fl. Exhibits : Department Recommendation, Price Sheet, Contract Extension Form.

Wells questioned if Comanche County or Fort Sill contributes any of the \$46,000.

Derrell Morgan, E-911 Supervisor, stated Comanche County contributes 20%.

MOVED by Wells, SECOND by Haywood, to extend the contract (RFPCL09-008) Emergency Notification System from Emergency Communications Network, Inc of Ormond Beach, Fl. AYE: Haywood, Wells, Shoemate, Hanna, Drewry, Shanklin, Zarle. NAY: None. MOTION CARRIED.

29. Consider approving appointments to boards and commissions. Exhibits: None.

30. Consider approval of payroll for the period of September 21 October 4, 2009.

OLD BUSINESS ITEMS:

31. Consider accepting an agreement between the City of Lawton, Oklahoma, and the Board of County

Commissioners of the County of Comanche, Oklahoma Pictometry International, Corp., for the purpose of obtaining orthogonal and oblique digital images of the Earth's surface in Comanche County, captured from airborne platforms using Pictometry's patented and proprietary hardware and software capture systems and authorize the Mayor and City Clerk to execute all documentation as necessary. Exhibits: Proposed Agreement between the City of Lawton and Comanche County; Exhibit 1 of Proposed Agreement; Annual Cost breakdown.

Gail Turner, Comanche County Commissioner, stated 80% of the county is in Lawton, Oklahoma. This pictometry is very good for the County Assessor, but it will be good for everyone. They have been looking at this project for two to three years with county and city staff. He stated most of the money that the county gets goes right back to the kids in our schools.

Matt Thomas, District Manager from Pictometry International, presented a brief overview.

Wells stated he has no doubt that this software would be good for planning, engineering, county assessor, etc., but he has a real problem with funding it out of 911 funds when we do not have the basic mapping done that allows us to handle about 30% or 40% of the calls that come into the 911 center because everyone is using cell phones. He also has a problem that funds were encumbered for a year or two without letting the City Council know they were working on something. He stated this software is up to date the day they fly it, but it will be three years before it will be updated again. It is not real live data every day. He stated they need to use this money to help Mr. Morgan and the GIS division to hire a couple of people to get the basic mapping done so that we can get some relief for our dispatchers. He feels this is a terrible use of 911 money. He would have no objections if the City Manager could find money someplace else to assist with this project.

Morgan stated right now they have a lot of the mapping pieces together and the GIS is working more each day, but they are struggling with some challenges and trying to pull together maps of the county and Fort Sill and also work this into their CAD mapping program.

Mitchell stated that we are implementing a GIS system. We have hired one person and another person in the budget to assist in those efforts.

Morgan stated from a 911 standpoint for our cellular phase II, he is very close to being able to complete that project. He stated the cell phone companies are very close to getting their towers up and operational to complete the project. He stated there are some areas that need to be worked between the City, County and Fort Sill on the mapping and how they are going to do this as they move forward. He stated the pictometry would be a value tool for police, fire, public works and planning. On the GIS side, it requires a lot of work for that to be a valuable tool.

Wells questioned how many screens the dispatchers currently have.

Morgan stated the average console has five screens.

Wells stated to do this they would be adding a sixth screen.

Morgan stated they would probably put it on one of the computers underneath a screen. They would pop the mapping screen down and pull this one up. He stated the mapping has to be a good enough tool that it is a benefit.

Wells stated he does not see this as a valuable tool over the next two, three, four or five years.

Morgan stated our GIS division is the biggest piece of the pie on how quickly this becomes valuable.

Wells stated it would be helpful to have additional GIS personnel to get the mapping done.

Zarle questioned how much the fee is going to be increased.

Mayor Purcell stated the fee will not be increased. This is already coming out of what citizens are paying.

Zarle stated if they have a \$100,000 surplus, they need to reduce the fees on the phone bills or refund that money.

Shoemate questioned how much they would save from sending people out to measure distances.

Mitchell stated they would save a lot of staff time. He stated the regional dispatch center is almost open and a lot of times they have a difficult time finding locations in the county.

Commissioner Turner stated this tool could be used in a lot of different departments. He stated every department in the City would probably use this software. This will save money for the taxpayers.

Haywood questioned if the planning division would use this.

Richard Rogalski, Planning Director, stated he looks at aerials every day and the photographs he uses in his office are from 1995.

Wells stated he feels they should not be using 911 funds to do this. Those funds are collected to provide emergency services to the citizens, not to provide tools for the assessor, planning division, etc.. He stated if the City Manager feels this is that valuable, he needs to come up with the \$300,000 from another source.

MOVED by Wells, SECOND by Shanklin, to deny an agreement between the City of Lawton, the Board of County Commissioners and Pictometry International, Corp.,

SUBSTITUTE MOTION by Drewry, SECOND by Shoemate, to accept an agreement between the City of Lawton, the Board of County Commissioners and Pictometry International, Corp.,

Commissioner Turner stated right now the agreement with the City and County is 50/50. If this comes down to getting it or not getting it, he feels the County would be negotiable to increasing their part.

VOTE ON SUBSTITUTE MOTION: AYE: Shoemate, Drewry, Haywood. NAY: Hanna, Shanklin, Zarle, Wells. MOTION FAILED.

VOTE ON ORIGINAL MOTION: AYE: Wells, Hanna, Shanklin, Zarle. NAY: Shoemate, Drewry. ABSTAIN: Haywood. MOTION CARRIED.

Mayor Purcell stated under council policy, this item could be brought back to City Council by Councilmember Burk if he so chooses.

Wells questioned how he could bring it back if the vote was four to two.

Mayor Purcell stated the first vote was four to three and Councilmember Burk's vote could have made a difference.

#### NEW BUSINESS ITEMS:

32. Consider the Consolidated Annual Performance and Evaluation Report (CAPER) for Federal Fiscal Year (FFY) 2008, receive a briefing on the CAPER, hold a public hearing to receive input from citizens, and approve the report for submission to HUD, and authorize the Mayor to sign the approved CAPER. Exhibits: CAPER is on file in the City Clerk's Office.

Tom Aplin, Community Development Division, presented an annual update on the Consolidated Annual Performance and Evaluation Report for the home investment partnerships programs and community development blockgrant. The period covered by this update is FFY 2008 that began July 1, 2008 and ended June 30, 2009. He stated a public hearing will need to be held to receive input from citizens and approve the CAPER. A power point presentation was made by Aplin.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Drewry, SECOND by Haywood, to approve the Consolidated Annual Performance and Evaluation Report adopt. AYE: Hanna, Drewry, Shanklin, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED.

33. Consider an ordinance amending Section 20-1-101 of the Lawton City Code modifying the requirements for revocable permits that may be granted administratively, limiting the issuance of revocable permits near water mains, and adding provisions for encroachments not otherwise meeting the requirements for a revocable permit, and declaring an emergency. Exhibits: Ordinance 09-\_\_.

Rogalski stated there have been recent discussions of encroachments into public utility easements constructed without building permits. On July 28, 2009, the City Council moved to deny a revocable permit for a subdivision sign and wall that had been constructed over a sanitary sewer main in Silver Creek Patio Homes Addition. Currently there is no recourse available in the City Code. The proposed ordinance provides that encroachments constructed without a revocable permit, located within a drainage or utility easement or right-of-way, and determined by the City Engineer to not pose an immediate hazard to the public facilities located in the easement may obtain a settlement agreement. The settlement agreement would allow the encroachment, or some portion thereof, to remain until such time the City needs to maintain, repair, and/or replace the public facility, at which time the encroachment would have to be removed. The settlement agreement would include a fee to be determined by the City Attorney which shall be equitable but not limited to the additional cost to maintain the public facilities including the estimated cost to remove all or a portion of the encroachment.

In addition there are several items shown on construction plans/plats approved by the City Council which require a

revocable permit, i.e., screening walls/fences, subdivision entry signs, and parking and maneuvering on public utility easements located on private streets. This ordinance streamlines the approval process by authorizing the Planning Director to administratively approve the revocable permit since those encroachments have already been approved by the City Council through the approval of the construction plans/construction plats.

The proposed ordinance also authorizes the code official to administratively approve revocable permits for the encroachment of walkways, patios, and pads for heating and air conditioning units on public street light easements located in the side yard of lots.

MOVED by Drewry, SECOND by Wells, to adopt **Ordinance 09-32**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Drewry, Shanklin, Zarle, Haywood, Wells, Shoemate, Hanna. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 09-32

An ordinance pertaining to streets and sidewalks amending Section 20-1-101, Article 20-1, Chapter 20, Lawton City Code, 2005, by modifying the requirements for revocable permits that may be granted administratively, limiting the issuance of revocable permits near water mains and adding provisions for removal or settlement of encroachments not otherwise meeting the requirements for a revocable permit, providing for severability, and declaring an emergency.

Jensen stated in paragraph K there is a provision for a settlement agreement. He needs to know if the City Council would like to approve these agreements or if staff will have the authority to negotiate those and be signed off by the City Manager. He recommended that they be able to handle this at the staff level.

The majority of the City Council agreed that staff handle these agreements.

Mitchell stated a copy of any agreements could be provided to the City Council.

MOVED by Hanna, SECOND by Haywood, to allow staff to negotiate the settlement agreements and City Manager to sign. AYE: Zarle, Haywood, Wells, Shoemate, Hanna, Drewry. NAY: Shanklin. MOTION CARRIED.

34. Consider approving a resolution amending the fees and charges related to revocable permits. Exhibits: Resolution 09-\_\_.

MOVED by Drewry, SECOND by Haywood, to adopt **Resolution 09-101** amending the fees and charges related to revocable permits. AYE: Shoemate, Hanna, Drewry, Zarle, Haywood, Wells. NAY: Shanklin. MOTION CARRIED.

35. Consider approving and authorizing a supplemental appropriation of Cellular Service Fee funds. Exhibits: Memorandum from Emergency Communications Supervisor to Police Chie

Morgan stated they need to replace a piece of equipment in the 911 Center that allows the dispatchers to monitor and speak on all the radios and it also allows them to hear the telephones through their headsets. He stated the initial estimates were \$440,000. During the budget process it was cut down to \$209,000. When they went out to bid, the lowest bid came back at \$279,000. In order to purchase this equipment he is going to need additional funds.

Drewry stated they will need an additional \$69,595.

Zarle questioned where the additional funding would come from.

Morgan stated 911 fees.

Wells complimented the 911 staff for all of the great work they do for the citizens and encouraged council members to go over and spend several hours in the center.

MOVED by Shoemate, SECOND by Drewry, to approve and authorize a supplemental appropriation of Cellular Service Fee funds. AYE: Hanna, Drewry, Shanklin, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

COL Lacey reported that the new CG will be resigning the community covenant on October 23<sup>rd</sup> at 9:30 a.m. during the Community Partnership Council. That afternoon at 1:30 p.m. will be the CG's Fitness Challenge. Up to 20,000 people will be walking, running, etc.

Wells stated he has requested the reactivation of the ambulance committee and perhaps renaming it the public safety committee. He would like to see the 911 mapping as a project for this committee. He stated we are going to



get in serious problems because of all of the cell phones that are now being used instead of land lines.

Mayor Purcell requested that Councilmember Wells give him, in writing, the function of the committee so that he can tell those who will be serving on the committee. He stated he needs to make it broad, because the ambulance issue has been studied so many times and the cost is just too prohibitive.

Wells stated he would like to activate the ambulance committee and then have that committee come up with a new name such as public safety committee.

Mayor Purcell suggested Councilmember Wells bring that information and he can start appointing members. They can either make it a council committee or a Mayor s committee.

The Mayor and Council convened in executive session at 8:22 p.m. and reconvened in regular, open session at 9:07 p.m. Roll call reflected all members present.

#### BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

36. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2009-2010 between the American Federation of State, County and Municipal Employees (AFSCME), Local 3894, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

Jensen read the title of item #36.

MOVED by Drewry , SECOND by Shoemate to ratify the City Attorney s October 6, 2009 filing of a prohibited practice charge against AFSCME Local 3894 to contest AFSCME s October 1<sup>st</sup> action of engaging in regressive bargaining. AYE: Shanklin, Zarle, Haywood, Wells, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

37. Pursuant to Sections 307B.3, Title 25, Oklahoma Statutes, consider convening in Executive session to discuss the purchase of real property which is necessary for the NW Santa Fe Bridge Replacement Project #2010-2 and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #37.

MOVED by Shoemate, SECOND by Drewry to authorize the purchase of Lot 1, Block 3, Ridgecrest First Addition which is necessary for the NW Sante Fe Bridge Replacement Project #2010-2 and authorize the Mayor and City Clerk to execute the necessary documents to complete the transaction and authorize the payment of \$118,000 plus closing costs not to exceed \$500. AYE: Zarle, Haywood, Wells, Shoemate, Hanna, Drewry, Shanklin. NAY: None. MOTION CARRIED.

38. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the appointment of a particular applicant to the position of Municipal Judge. Exhibits: None.

Mayor Purcell read the title of item #38 He stated he has nominated Nathan Johnson for City Council consideration as the next Municipal Court Judge for the City of Lawton. This recommendation will be acted upon at the next City Council meeting on October 27, 2009.

There being no further business to consider, the meeting adjourned at 9:11 p.m. upon motion, second and roll call vote.

/s/ John P. Purcell, Jr.  
JOHN P. PURCELL, JR., MAYOR  
ATTEST:

/s/ Traci Hushbeck  
TRACI HUSHBECK, CITY CLERK